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May 8, 1996

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Secretary

Federal Communications Commission

1919 M Street, NW

Washington, DC 20554

MM Docket No. 92-266**FCC MAIL ROOM****CS Docket No. 96-60****DOCKET FILE COPY ORIGINAL**

COMMENTS OF WZBN TV-25 (W25AW) A LPTV STATION
LICENSED TO TRENTON, NEW JERSEY



Re: Response to proposed rule making in the matter of Implementation of
Leased Commercial Access Rate Regulation Sections of the Cable
Television Consumer Protection and Competition Act of 1992:

Dear Commissioners:

WZBN TV-25 (W25AW) is a Low Power TV station broadcasting local news and information to the 300,000 residents of Mercer County, New Jersey. We are providing the only source of local TV news to our community. Our local news is being prevented from reaching more than 60% of our local residents by Comcast Cablevision. Comcast Cablevision is the dominant cable TV provider in Mercer County and they have refused to carry our local newscast.

Administrative
Offices

Our repeated request for cable carriage has been blocked by two major federal regulations---The **lack of Must Carry for LPTV** and the **unrealistic lease access rates permitted by the FCC.**

77 Shady Lane
Trenton, New Jersey
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For example, Comcast Cablevision, a system of 40,000 subscribers, has offered to Carry WZBN TV-25 (W25AW) for a monthly fee of \$18,200. This amounts to \$0.46 per subscriber per month and an annual rate of \$218,400. This fee, for just one cable system in Mercer County, is greater than 58% of our total annual revenue

Our small LPTV station is providing a much needed Local Television News Service to residents of Mercer County, New Jersey. Until the day LPTV has Must-Carry in our local coverage area, we need a sane, reasonable and cost effective Lease Access policy implemented by the FCC.

Comments on Specific Proposals

Preferential Access:

Low Power TV (LPTV) stations that produce local news and information should be granted preferential access to cable systems within their broadcast coverage area.

Low Power Television is a broadcast service authorized by the US Congress for the purpose of providing local TV service to small communities throughout the country. Without cable access this mandate cannot be filled.

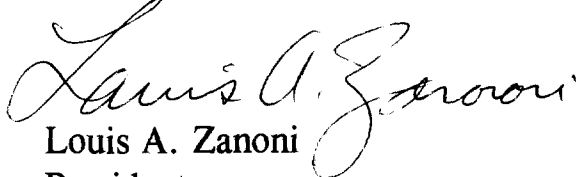
LPTV stations are committed to their communities. Their survival depends on the value of service they provide to their immediate communities. They are not Video Information Providers that can exist in any market. They are local stations that need local cable access to survive. They are not program providers that are trying to reach a national audience. Therefore, LPTV stations that are providing local news and information should be granted Preferential Access.

Maximum rate formula:

Any rate formula that allows for more than \$0.05 per subscriber per month for a full time channel would economically prevent most LPTV stations from gaining access to their local cable system, and therefore not implement the intended purpose of the lease access rule.

LPTV stations, unlike Video Information Providers have extraordinary expenses above and beyond the creation of video programming. LPTV stations, in addition to the cost of establishing and maintaining a video studio have the added monthly mortgage expenses of a transmitter, antenna and tower space. In addition to the added mortgage payments on the broadcast equipment, LPTV stations have added monthly electricity bills to run the transmitter and the monthly tower lease payments. LPTV stations which produce local programming, rely solely on local advertising for their revenue. The added burden of unreasonable cable access rates has the effect of minimizing local community television.

The added monthly expenses for the privilege of being carried on a local cable system often means financial disaster for LPTV stations. A monthly rate that exceeds \$0.05 per subscriber, no matter how it is calculated, is unreasonable.



Louis A. Zaroni
President

WZBN TV-25 (W25AW)
77 Shady Lane
Trenton, NJ 08619

Comcast Cablevision
940 Prospect Street
Post Office Box 7000
West Trenton, NJ 08628
(609) 394-2288



Edward S. Pardini
General Manager

December 30, 1994

Mr. Louis Zaroni
President
WZBN -TV 25
77 Shady Lane
Trenton, NJ, 08619

Dear Mr. Zaroni,

Because you have expressed an interest in being carried on Comcast's cable system, I wanted to be sure that we had explored all possible alternatives. Comcast makes available some leased access time in accordance with provisions of the 1992 Cable Act, an option you may wish to consider.

Based upon current subscribership levels we currently offer for leased access time at the rate of approximately \$18,200 per month. This rate is for 24 hours per day, seven days per week, and is applicable to stations which do not intend to sell subscriptions to customers, or which are not primarily devoted to the direct sale of merchandise.

The 1992 Cable Act and related FCC regulations clearly provide that a low-power television station such as WZBN has no legal basis to demand free carriage on cable systems such as this, which is located in a major market. Despite this fact, Comcast has for many months provided you with 1-hour of air time at no charge as a gesture of goodwill. The rate quoted above is in complete and full compliance of FCC regulations regarding the calculation of rates for leased access charges.

If you are interested in this offer of leased access time, please contact me within the next two weeks.

I look forward to working out a mutually acceptable agreement with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Pardini'.

Edward S. Pardini
General Manager